

Senate Chamber, Atlanta, Georgia
Thursday, January 25, 2007
Eighth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 13. By Senators Brown of the 26th and Davenport of the 44th:

A BILL to be entitled an Act to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for a substantive and comprehensive reform of provisions regarding the minimum wage law; to provide for legislative findings; to provide for an increase in the minimum wage; to provide for annual minimum wage increases to match the rising cost of living; to provide a credit toward the minimum wage for employers of tipped workers; to eliminate various eligibility exemptions from the minimum wage; to provide for related matters; to provide for severability; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 44. By Senators Mullis of the 53rd, Tolleson of the 20th, Whitehead, Sr. of the 24th, Thomas of the 2nd, Smith of the 52nd and others:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to provide a short title; to provide definitions; to provide for the Georgia Firefighter Standards and Training Council to develop and offer fire officer development training through the Georgia Fire Academy; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

- SB 45. By Senators Thomas of the 54th, Unterman of the 45th, Mullis of the 53rd, Harbison of the 15th, Tate of the 38th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for the establishment of a task force to develop a plan for education on chronic kidney disease; to provide for membership and appointment of members to the task force; to provide for duties and responsibilities; to provide for reports and recommendations from such task force; to provide for related matters; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 46. By Senators Golden of the 8th and Goggans of the 7th:

A BILL to be entitled an Act to amend an Act providing for election of the members of the board of education of Cook County, approved March 28, 1986 (Ga. L. 1986, p. 5499), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5615), so as to change the provision relating to the compensation of the members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SB 47. By Senators Seabaugh of the 28th, Stoner of the 6th, Murphy of the 27th, Schaefer of the 50th and Tate of the 38th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide that school districts may agree to assist employees in investing in certain qualified retirement plans; to define certain terms; to provide that a school district may agree to deposit a portion of an employee's salary into a qualified investment plan; to provide certain requirements for companies eligible to offer such plans; to provide that the Teachers Retirement System of Georgia shall administer such program; to provide for certain offenses and penalties; to provide for notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 48. By Senators Carter of the 13th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Code Section 42-5-50 of the O.C.G.A., relating to transmittal of information on convicted persons and place of detention, so as to provide that after a convicted person has remained in custody of the local jail for a period of 90 days after a request for local custody has been filed on behalf of such person, the sheriff through the prosecuting attorney may petition the sentencing court for a hearing to determine whether such convicted person should be transferred to the custody of the commissioner of corrections; to provide for notice to the attorney of record for the convicted person; to provide for certain matters to be considered by the court; to provide that the court order shall specify the conditions of continued incarceration of the convicted person; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 49. By Senators Thomas of the 2nd, Harp of the 29th, Johnson of the 1st and Hudgens of the 47th:

A BILL to be entitled an Act to amend Chapter 15 of Title 34 of the Official Code of Georgia Annotated, relating to transfer of Division of Rehabilitation Services to Department of Labor, so as to provide for the delivery of certain services and techniques to deaf-blind individuals by an organization knowledgeable on deaf-blind issues; to provide that the division integrates the services and techniques into its standard practices and procedures; to provide for a time frame to retain the services of an organization to provide services and techniques to deaf-blind individuals and training on such services and techniques; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 50. By Senators Douglas of the 17th, Rogers of the 21st, Hawkins of the 49th, Schaefer of the 50th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions relative to notaries public, so as to provide that a notary shall be a legal resident of the United States; to provide a penalty; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 52. By Senators Jones of the 10th, Adelman of the 42nd, Weber of the 40th and Thompson of the 5th:

A BILL to be entitled an Act to amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the provisions relating to the authority of the chief executive officer to preside over meetings of the county commission and vote in certain instances; to change the provisions relating to the authority of the chief executive officer to set the agenda for meetings of the county commission; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SR 81. By Senators Hill of the 32nd, Pearson of the 51st, Heath of the 31st, Schaefer of the 50th, Douglas of the 17th and others:

A RESOLUTION condemning the nuclear program of the Islamic Republic of Iran, condemning Iran's support for terrorism, and holding Iranian sponsored terrorists and proxy forces and countries responsible for their actions; and for other purposes.

Referred to the Veterans and Military Affairs Committee.

The following legislation was read the second time:

SB 8 SB 19 SR 49

Senator Seabaugh of the 28th asked unanimous consent that the call of the roll be dispensed with. The consent was granted, and the roll call was dispensed with.

Senator Johnson of the 1st introduced the doctor of the day, Dr. Michael Zoller.

The members pledged allegiance to the flag.

Senator Pearson of the 51st introduced the chaplain of the day, Pastor Austin Gardner of Alpharetta, Georgia, who offered scripture reading and prayer.

Senators Harp of the 29th and Harbison of the 15th recognized the Columbus Northern Little Leaguers, commended by SR 50, adopted previously.

Senator Hudgens of the 47th recognized Michael Carmine and David Johnson, representatives of the Georgia Association of Health Underwriters, commended by SR 54, adopted previously.

Senator Heath of the 31st recognized the Bremen High School Varsity Competitive Cheerleading Squad, commended by SR 51, adopted previously.

The following resolutions were read and adopted:

SR 75. By Senator Mullis of the 53rd:

A RESOLUTION recognizing and commending Mr. Phillip Jennings III; and for other purposes.

SR 76. By Senators Seay of the 34th and Davenport of the 44th:

A RESOLUTION recognizing and commending Steve Lundquist; and for other purposes.

SR 77. By Senators Thomas of the 54th, Heath of the 31st, Smith of the 52nd, Pearson of the 51st and Schaefer of the 50th:

A RESOLUTION commending the student representatives of Living Way Christian Academy and recognizing the observance of Living Way Christian Academy Day at the state capitol; and for other purposes.

SR 78. By Senator Pearson of the 51st:

A RESOLUTION commending Mr. Walter John Victor; and for other purposes.

SR 79. By Senator Pearson of the 51st:

A RESOLUTION commending Piedmont Mountainside Hospital on its nomination as "Hospital of the Year" by the Georgia Alliance of Community Hospitals; and for other purposes.

SR 80. By Senator Pearson of the 51st:

A RESOLUTION commending Mr. Sandy L. Adams on the occasion of his retirement; and for other purposes.

SR 82. By Senators Carter of the 13th, Chance of the 16th, Johnson of the 1st, Williams of the 19th, Brown of the 26th and others:

A RESOLUTION commending Mr. Gerald Bryant on the occasion of his retirement; and for other purposes.

SR 83. By Senators Heath of the 31st and Carter of the 13th:

A RESOLUTION expressing congratulations and best wishes to Cecil Clarence Wilson on the occasion of his 103rd birthday; and for other purposes.

SR 84. By Senators Harp of the 29th, Wiles of the 37th, Cowsert of the 46th, Staton of the 18th and Davenport of the 44th:

A RESOLUTION declaring January 30, 2007, as "Technical College System of Georgia Day" in the State of Georgia; and for other purposes.

SENATE RULES CALENDAR
THURSDAY, JANUARY 25, 2007
EIGHTH LEGISLATIVE DAY

SB 11 Superior/State Court Judges; performing ordered military duty; eligible for reelection; qualify by mail, messenger or agent on duty (S JUDY-48th)

SB 18 Court-Connected Alternative Dispute Resolution; add municipal courts; charge additional filing fees for civil actions (Substitute)(S JUDY-29th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

Senator Hill of the 4th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Staton of the 18th asked unanimous consent that Senator Chance of the 16th be excused. The consent was granted, and Senator Chance was excused.

The following legislation was read the third time and put upon its passage:

SB 11. By Senators Shafer of the 48th, Douglas of the 17th, Harp of the 29th, Wiles of the 37th, Reed of the 35th and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide that judges of superior and state courts who are performing ordered military duty may continue in office and be eligible for reelection during such duty; to provide for qualifying for election by mail, messenger, or agent during such duty; to provide that performing ordered military duty shall be a basis for requesting assistance from other courts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
E Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	E Tolleson
Y Golden	Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 52, nays 0.

SB 11, having received the requisite constitutional majority, was passed.

SB 18. By Senators Harp of the 29th and Harbison of the 15th:

A BILL to be entitled an Act to amend Chapter 23 of Title 15 of the Official Code of Georgia Annotated, relating to court-connected alternative dispute resolution, so as to add municipal courts to the list of courts that may charge additional filing fees for civil actions and cases filed to fund alternative dispute programs; to change the composition of the Board of Trustees of County Fund for the Administration of Alternative Dispute Programs; to include cities within the chapter; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Special Judiciary Committee offered the following substitute to SB 18:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 23 of Title 15 of the Official Code of Georgia Annotated, relating to court-connected alternative dispute resolution, so as to add municipal courts with jurisdiction over civil cases to the list of courts that may charge additional filing fees for civil actions and cases filed to fund alternative dispute programs; to change the composition of the Board of Trustees of County Fund for the Administration of Alternative Resolution Dispute Programs; to include cities with municipal courts with jurisdiction over civil cases within the chapter; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 23 of Title 15 of the Official Code of Georgia Annotated, relating to court-connected alternative dispute resolution, is amended by revising subsection (a) of Code Section 15-23-3, relating to Board of Trustees of County Fund for the Administration of Alternative Dispute Resolution Programs, to read as follows:

"(a) There is created in each county in this state a board to be known as the Board of Trustees of the _____ County Fund for the Administration of Alternative Dispute Resolution Programs. The board shall consist of:

- (1) The chief judge of the superior court of the circuit in which the county is located, or the superior court judge with the longest service if there is no chief judge, or a superior court judge designated by the chief judge or the judge with the longest service;
- (2) The chief judge of the state court, if any, or the state court judge with the longest service if there is no chief judge, or a state court judge designated by the chief judge or the judge with the longest service;
- (3) The judge of the probate court;

- (4) The presiding judge of the juvenile court, if any, or a juvenile court judge designated by that judge;
- (5) The chief magistrate or a magistrate designated by the chief magistrate;
- (6) A judge of each municipal court having jurisdiction over civil cases from each city within the county, such judges to be as designated by the chief judge of the superior court of the circuit in which the county is located, or the superior court judge with the longest service if there is no chief judge, or a superior court judge designated by the chief judge or the judge with the longest service;
- (7) The clerk of the superior court; and
- ~~(7)~~(8) One practicing attorney appointed by other members of the board."

SECTION 2.

Said chapter is further amended by revising subsections (a), (c), and (d) of Code Section 15-23-7, relating to collection of additional legal costs in civil actions for purposes of providing court-connected or court-referred alternative dispute resolution programs as follows:

"(a) For the purposes of providing court-connected or court-referred alternative dispute resolution programs, a sum not to exceed \$7.50, in addition to all other legal costs, may be charged and collected in each civil action or case filed in the superior, state, probate, ~~and~~ magistrate, and municipal courts having jurisdiction over civil cases and other courts within the county that have the same powers and jurisdiction as state or magistrate courts."

"(c) The amount, if any, to be collected in each case shall be fixed in an amount not to exceed the applicable amount set out in subsection (a) of this Code section by the chief judge of the superior court or, if there is no chief judge, by the superior court judge with the longest service, who shall, after advising and notifying the chairperson of the county governing authority and chairperson of the municipal governing authority in which the municipal court having jurisdiction over civil cases lies, order the clerk to collect said fees and remit them to the treasurer of the county fund for the administration of alternative dispute resolution programs. No such additional costs shall be charged and collected unless the chief judge of the superior court or such chief judge's designee, or if there is no chief judge, the superior court judge with the longest service or such judge's designee first determines that a need exists for an alternative dispute resolution program in one or more of the courts within the county or city within the county in which the municipal court having jurisdiction over civil matters lies. The chief judge of the superior court or the designee of the chief judge or, if there is no chief judge, the superior court judge with the longest service or the designee of such judge may propose, as to a given court, the collection of an amount exceeding \$7.00, but in no event to exceed the applicable amount set out in subsection (a) of this Code section; provided, however, that approval of the board member representing the affected court is necessary before imposition upon litigants of that court of costs authorized by this chapter exceeding \$7.00.

(d) The clerk of each and every such court in such counties and cities shall collect such

fees and remit the same to the treasurer of the board of the county in which the case was brought, on the first day of each month. No change in the amount collected pursuant to this Code section may be made within a period of 12 months from the date of a previous change."

SECTION 3.

Said chapter is further amended by revising Code Section 15-23-12, relating to contracting by boards of several counties to combine funds; secretary-treasurer for combined fund, and chairperson, to read as follows:

"15-23-12.

Notwithstanding any other provision of this chapter, the board of trustees of each county fund is authorized by contract to combine such fund with the fund of any other county or counties or cities that have municipal courts with jurisdiction over civil cases within the same judicial circuit, within the same administrative district, or in any other combination which would foster an efficient use of available resources. Any such combined fund created by any such contract shall be administered by a board of trustees which shall be composed of the judicial members and the clerks who are members of the boards of trustees of each participating county fund without the participating attorney members thereof but with one practicing attorney appointed by the members of the combined board. In the event two or more county funds are combined, the board of trustees of the combined fund may appoint a secretary-treasurer for the combined fund who shall perform such duties as may be provided by the combined board of trustees and who shall give bond in the same manner as provided by Code Section 15-23-5. The combined board shall be chaired by the chairperson of one of the constituent county boards elected by the combined board as provided by contract. In the event two or more boards combine as provided in this Code section, the judges of the courts within such combined territory are authorized to combine programs for such courts to provide for the most efficient use of available resources in providing alternative dispute resolution programs."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 38, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
E Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Thompson,C
Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	E Tolleson
Y Golden	Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 51, nays 0.

SB 18, having received the requisite constitutional majority, was passed by substitute.

Senator Chip Pearson
District 51
321-B Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:
Economic Development
Transportation
Administrative Affairs
Appropriations
Rules
Assignments

The State Senate
Atlanta, Georgia 30334

January 25, 2007

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Secretary of the Senate Ewing,

Today, January 25th, I was present in the Senate and was hosting my pastor for Pastor of the Day. After the devotional I escorted Pastor Gardner to the Governor's office. During the time I was with my constituent, the Senate voted on SB 11 and SB 18. While I was not present for these votes, had I been, I would have voted YEA for both. Please let the journal reflect that I am in support of SB 11 and SB 18.

Sincerely,

/s/ Senator Chip Pearson
District 51

Senator Seabaugh of the 28th introduced United State Congressman Lynn Westmoreland of the 3rd Congressional District. Congressman Westmoreland addressed the Senate briefly.

Senator Williams of the 19th moved that the Senate adjourn until 9:00 a.m. Friday, January 26, 2007.

The motion prevailed, and the President announced the Senate adjourned at 11:11 a.m.